



United States Copyright Office

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Peter Decherney
Assistant Professor of Cinema Studies
University of Pennsylvania
Cinema Studies Program
Fischer-Bennett Hall
University of Pennsylvania
Philadelphia, PA 19104

Sandra Benedetto
Pioneer Electronics
400 Broadacres Dr.
Bloomfield, NJ 07003

Bruce H. Turnbull, Esq.
Weil, Gotshal & Manges LLP
1300 Eye Street, NW
Suite 900
Washington, DC 20005

Jonathan Band, Esq.
21 Dupont Circle NW
Washington, DC 20036

Steven J. Metalitz, Esq.
Smith & Metalitz
1747 Pennsylvania Ave. NW
Suite 825
Washington, DC 20006

Fritz Attaway, Esq.
Executive Vice President & Special
Policy Advisor
Motion Picture Association of
America
1600 Eye Street, NW
Washington, DC 20006

Bill D. Herman
3620 Walnut St.
Philadelphia, PA 19104

Sandra M. Aistars, Esq.
Associate General Counsel,
Intellectual Property
Time Warner Inc.
One Time Warner Center, 14th Floor
New York, NY 10019

Dear Witnesses:

Thank you for testifying at our April 3 hearing relating to possible exemptions to the prohibition on circumvention of technological measures that control access to copyrighted works.

We have a number of follow-up questions and requests. Although the questions and requests are directed to particular witnesses, any of you may respond to any of the questions if you believe you have pertinent information.

Professor Decherney:

1. Please describe for us how a film studies professor would use your proposed exemption in practice. Specifically, how would you use the copy of the motion picture in preparing for your class instruction? In describing the use, please answer the following questions:

- Would you make a complete additional copy of the motion picture to support the use, or merely copies of portions of the work?
- Where and in what format would such a copy exist (e.g. laptop hard drive, networked desktop, network server, etc.)?
- Who would have access to such a copy?
- What kinds of software applications would be used for classroom presentations (e.g. would you burn a DVD to show, and/or use software-based applications like PowerPoint)?
- What kinds of access would students have to the presentation materials (e.g. do you anticipate distance education uses like web-based access by students)?

2. How often is it important or necessary to use clips from DVDs, as opposed to other media on which a work may be available, for educational purposes? In answering this question, please try to be as specific as possible. For example, how many times in an individual class session is high quality video necessary to the purpose of the use, and why? In how many classes in a semester are such uses necessary, and why? If the answers might vary from class session to class session or from film course to film course in the Cinema Studies Department, please describe how and to what extent the answers vary.

3. With respect to derivative or collective works which contain audiovisual works that are in the public domain and that are protected by technological protection measures that prevent their educational use, are there problems with the use of this proposed class that are distinct from the first class proposed by you? In other words, if an exemption for the first class were to issue, would the second proposed class fall completely within that exemption? If not, please explain why.

4. Do you have a compilation of clips used in one of your classes, either in Powerpoint or burned to DVD or CD, that could be made available to the Register for examination?

5. Please provide us with a copy of the Powerpoint presentation that you exhibited at the April 3 hearing.

6. Are specific types of ancillary material are important or necessary for use in media studies classes? What are they, and why?

Mr. Attaway:

Please provide us with a copy of the film clip that you presented at the April 3 hearing.

Ms. Aistars, Mr. Attaway, Ms. Benedetto, Mr. Metalitz and Mr. Turnbull:

If an exemption could be fashioned that were applicable only to college and university film studies professors who circumvent access controls on DVDs solely for the purpose of copying short film clips from motion pictures for purposes of classroom display, would you have an objection to such an exemption? If so, please state your objections.

We would be grateful if we could receive your responses no later than June 8.

Thank you for your assistance in this rulemaking proceeding.

Sincerely,

David O. Carson
General Counsel